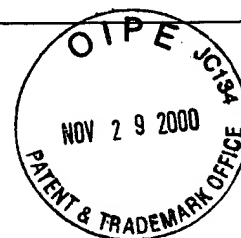


#3

**DECLARATION - USA PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled ACTIVATION AND PROTECTION OF CYTOTOXIC LYMPHOCYTES USING A REACTIVE OXYGEN METABOLITE INHIBITOR; the specification of which was filed on **July 14, 2000** as Application Serial No. **09/616,622**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.: 60/144,394

Filing Date: 07/16/99

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Kristoffer Hellstrand**

Inventor's signature

*K Hellstrand*

Date


*October 26, 2000*

Residence: **Göteborg, Sweden**

Citizenship: **Sweden**

Post Office Address: **Brödragatan 19, S-412 74 Göteborg, Sweden**

Full name of second inventor: **Svante Hermodsson**

Inventor's signature 

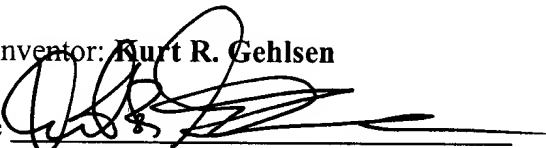
Date October 26, 2000

Residence: **Mölndal, Sweden**

Citizenship: **Sweden**

Post Office Address: **Bergsbogatan 2, S-4 Mölndal, Sweden**

Full name of third inventor: **Kurt R. Gehlsen**

Inventor's signature 

Date October 30, 2000

Residence: **Encinitas, California**

Citizenship: **United States**

Post Office Address: **3333 Lone Hill Lane, Encinitas, California 92024**

S:\DOCS\JMJ\JMJ-4865.DOC  
101700

---

Send Correspondence To:  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
Customer No. 20,995

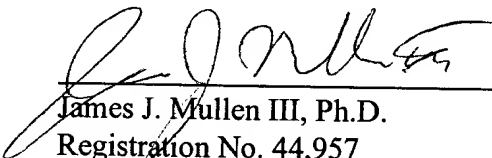


PATENT

Case Docket No. MAXIM.078A  
Date: November 27, 2000

FEE FOR EXTENSION OF TIME (LARGE ENTITY)	months	\$ -0-
SURCHARGE 37 CFR 1.16(e)		\$ + 130
TOTAL OF ABOVE CALCULATIONS		\$ 130
REDUCTION BY 1/2 FOR FILING BY SMALL ENTITY. Note 37 CFR 1.9, 1.27, 1.28. Applicant qualifies as small entity status.		\$ - 65
TOTAL FEES SUBMITTED HERewith		\$ 65

- (X) A check in the amount of \$65 to cover the above fees is enclosed.
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment, to Account No. 11-1410. A duplicate copy of this sheet is enclosed.

  
James J. Mullen III, Ph.D.  
Registration No. 44,957  
Attorney of Record

# 3

MAXIM.078A



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hellstrand, et al. )  
App. No. : 09/616,622 )  
Filed : July 14, 2000 )  
For : ACTIVATION AND PROTECTION )  
OF CYTOTOXIC LYMPHOCYTES )  
USING A REACTIVE OXYGEN )  
METABOLITE INHIBITOR )  
Examiner : Unknown )

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND  
REVOCATION AND POWER OF ATTORNEY

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 620 Newport Center Drive, Sixteenth Floor, Newport Beach, California 92660, Telephone


App. No. : 09/616,622  
Filed : July 14, 2000

(949) 760-0404, **Customer No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

Maxim Pharmaceuticals, Inc.

Dated: 11-3-00

By:   
Kurt R. Gehlsen, Ph.D.

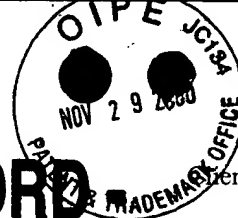
Title: Vice President Development and CTO

Address: 8899 University Center Lane, Suite 400  
San Diego, California 92122

SADOC/SJMUJM-4866.DOC  
101700

Application No.: 09/616,622  
Filing Date: July 14, 2000

**COPY**  
**- DO NOT RECORD**



PATENT  
Patent Code: MAXIM.078A  
Page 1

**ASSIGNMENT**

WHEREAS, We, Kristoffer Hellstrand, a citizen of Sweden, residing at Brödragatan 19, S-412 74 Göteborg, Sweden, Svante Hermodsson, a citizen of Sweden, residing at Bergsbogatan 2, S4 Mölndal, Sweden, and Kurt R. Gehlsen, a United States citizen, residing at 3333 Lone Hill Lane, Encinitas, California 92024, have invented certain new and useful improvements in a ACTIVATION AND PROTECTION OF CYTOTOXIC LYMPHOCYTES USING A REACTIVE OXYGEN METABOLITE INHIBITOR for which we have filed an application for Letters Patent in the United States, Application No. 09/526,816;

AND WHEREAS, Maxim Pharmaceuticals, Inc. (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at 8899 University Center Lane, Suite 400, San Diego, California 92122, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 26 day of October, 2000.

K Hellstrand  
Kristoffer Hellstrand

STATE OF

ss.

COUNTY OF

On October 26, before me, Svante Hermodsson, personally appeared Kristoffer Hellstrand personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Svante Hermodsson  
Notary Signature

COPY

- DO NOT RECORD -

PATENT

Application No.: 09/616,622

Filing Date: July 14, 2000

Client Code: MAXIM.078A

Page 2

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 26 day of October, 2000

Svante Hermodsson

Svante Hermodsson

STATE OF

COUNTY OF

ss.

On October 26, before me, Kristoffer Hellstrom, personally appeared Svante Hermodsson personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 3 day of NOVEMBER, 2000

Kurt R. Gehlsen

STATE OF

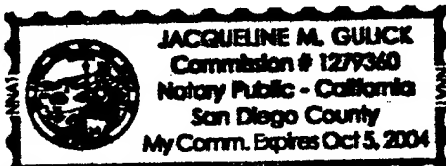
COUNTY OF

ss.

On Nov. 3, 2000, before me, Jacqueline M. Gulick, <sup>NOTARY PUBLIC</sup> personally appeared Kurt R. Gehlsen personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Jacqueline M. Gulick  
Notary Signature